

## Office Action Summary

**Application No.**

10/576,770

**Applicant(s)**

GAVELLI ET AL.

**Examiner**

Ilya Y. Treyger

**Art Unit**

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 04/02/2007.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-12 of U. S. Application 10576770, filed 04/21/2006, are presented for Examination.

#### **Specification**

1. The title of the invention is not descriptive because subject matter disclosed in Claim 10 is not mentioned in the Title (MPEP 606). A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The Specification is objected under MPEP 608.01(f) because brief description of the Drawings have not been presented in the current application.
3. The Specification is objected under 37 CFR 6.01 because it does not include Title of invention and cross-reference to related applications.

#### **Drawings**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter discovered in claim 10 and cross section of Fig. 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

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must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over

**ABERCROMBIE** (WO 98/30326) in view of **Robert Vern Channer**

(GB 2 375959 A).

Regarding claim 1, **ABERCROMBIE** discloses an odour-reducing sheet (See WO 98/30326, p.1 ln. 2-3, p.3 ln. 15-18) comprises a non-woven, air permeable fibrous material (See p. 6, ln. 26-27) which carries an odour-adsorbing material, selected from carbon, a zeolite,

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titanium dioxide, zinc oxide, aluminum, and mixtures thereof (See p. 6, ln. 11-18).

non-woven fibrous material which carries an odour-adsorbing material, in particular – activated carbon (See WO 98/30326 p. 21 ln. 1-8 and p. 24 ln. 3-8).

**ABERCROMBIE** does not expressly disclose the sheet divided into a plurality of tear-off pieces by perforations.

**Robert Vern Channer** at al. discloses an odour-reducing sheets divided into a plurality of tear-off pieces (See GB 2 375959, Abstract, ln. 8,9). On Page 4, lines 10-14 **Channer** further discloses a single elongate strip may be provided in a roll with a plurality of sheets 10 separated by a row of perforations.

**ABERCROMBIE** discloses the claimed invention except for the “sheet divided into a plurality of tear-off pieces by perforations”. **Channer** teaches that it is known to divide a sheet into a plurality of tear-off pieces by perforations. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify odour-reducing sheets claimed by **ABERCROMBIE** with a plurality of tear-off pieces as taught by **Channer**, since **Channer** states in Abstract line 8,9 and page 4, lines 10-14 that such a modification would allow the sheet to be torn from the collection.

2. In the **Claim 2**, **ABERCROMBIE** discloses an odour-reducing sheet (See p.1 ln. 2-3, p.3 ln. 15-18) wherein the odour-adsorbing material comprises particulate activated carbon (See p. 1 ln. 15, p. 6 ln. 11-18).

3. In the **Claim 3**, **ABERCROMBIE** discloses an odour-reducing sheet wherein the odour-adsorbing material is present in the sheet in an amount of at least 5% (w/w) of the total weight of the sheet (See p. 10 ln. 6-8).

4. In the **Claim 4**, **ABERCROMBIE** discloses an odour-reducing sheet wherein the odour-adsorbing material is present in the sheet in an amount of no more than 60% (w/w) of the total weight of the sheet (See p. 10 ln. 6-8).

5. In the **Claim 5**, **ABERCROMBIE** discloses an odour-reducing sheet wherein the odour-adsorbing material comprises a binder arranged to inhibit or substantially avoid shedding of the odour-reducing material from the sheet (See Abstract ln. 5, p.5 ln.27, p.9 ln.28).

6. In the **Claim 6**, **ABERCROMBIE** discloses an odour-reducing sheet wherein the binder is present in the sheet in an amount of at least 5%(w/w) of the total weight of the sheet (See p.9 ln.22-29).

7. In the **Claim 7**, **ABERCROMBIE** discloses an odour-reducing sheet wherein the sheet comprises polyester, polyamide, cellulosic or polyamide fibers, or a mixture thereof (See p.8 ln.24).

8. In the **Claim 8**, **ABERCROMBIE** discloses an odour-reducing sheet which is divided into a plurality of tear-off pieces by perforations (See Abstract ln. 8,9, p.1 ln. 10-13).

9. In the **Claim 9, ABERCROMBIE** discloses an odour-reducing sheet which is divided into a plurality of tear-off pieces by perforations (See Abstract ln. 8,9, p.1 ln. 10-13).

10. In the **Claim 10, ABERCROMBIE** discloses an odour-control kit comprising an odour-reducing sheet and a resealable plastics closure (See Abstract ln.9-10, p.4 ln. 23-27).

11. In the **Claim 11, ABERCROMBIE** discloses a method of reducing odours using an odour-reducing sheet being disposed at a locus in which the unwanted odours are present (See p.10 ln. 23-28).

12. In the **Claim 12, ABERCROMBIE** discloses a method wherein the odour-reducing sheet or portion(s) thereof are used in footwear (See p.10 ln. 23-28).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **US 5150707** discloses an odour-reducing kit comprising an odour-reducing sheet and a resealable plastics closure. **US 6790798** discloses an odour-reducing sheet wherein the sheet comprises polyester. **US 5977429** discloses an odour-reducing sheet wherein the sheet comprises polyamide. **US 5539930** discloses a method of reducing odours using an odour-reducing. **US 6602235** discloses an odour-reducing sheet comprises an odour-adsorbing material. **US 4826497** discloses a fibrous adsorbent article. **US 6933420** discloses an adsorbent article.

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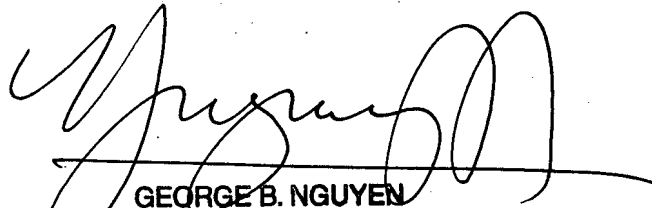
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ilya Y. Treyger whose telephone number is 272-0321. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on none. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ilya Y. Treyger  
Examiner  
Art Unit 3761 3709

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GEORGE B. NGUYEN  
SUPERVISORY PATENT EXAMINER

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Substitute for form PTO-1449				Application Number		To Be Assigned		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Filing Date:		April 21, 2006		
				First Named Inventor		Fabrizio GAVELLI		
				Art Unit		To Be Assigned		
				Examiner Name:		To Be Assigned		
Sheet 1		of 2		Attorney Docket Number:		102792-572(11348P1 US)		
<b>U.S. PATENT DOCUMENTS</b>								
Examiner's Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear			
		Number-Kind Code <sup>2</sup>						
/IT/		US - 6,012,643 A	01-11-2000	Barlow et al.	The whole document			
		US -						
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<b>FOREIGN PATENT DOCUMENTS</b>								
Examiner's Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		T <sup>6</sup>	
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup>						
/IT/		WO 98/30326 A	07-16-1998	Abercrombie et al.	Cited in the application; the whole document			
/IT/		GB 2 375 959 A	12-04-2002	Channer et al.	Page 2, line 13 - page 3, line 6; page 3, line 36 - page 4, line 3; page 4, line 9 - line 13; figure 3			
/IT/		WO 95/33619 A	12-14-1995	Berman et al.	Page 8, line 13 - line 31; page 21, line 6 - line 17; figure 4			
/IT/		WO 02/24238 A	03-28-2002	Datena	Page 4, line 8 - page 5, line 11			
/IT/		WO 01/15747 A	03-08-2001	Van Haute et al.	The whole document			
/IT/		DE 102 09 364 A	09-18-2003	Cortes-Reuter	The whole document		* ]	
<b>NON PATENT LITERATURE DOCUMENTS</b>								
Examiner's Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.						T <sup>6</sup>
/IT/		Copy of International Search Report dated November 11, 2004 for application PCT/GB2004/003855						



AP12 Rec'd PCT/PTO 21 APR 2006

Approved for use through 7/31/2006. OMB 0651-0031

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/IT/		Copy of International Preliminary Report on Patentability dated February 6, 2006 for application PCT/GB2004/003855	
/IT/		Copy of response to Written Opinion dated August 23, 2005	
/IT/		Copy of response to Written Opinion dated December 12, 2005	
<b>EXAMINER SIGNATURE:</b>		/Ilya Treyger/	<b>DATE CONSIDERED:</b> 04/02/2007
<p><small>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>see Kinds Codes of USPTO Patent Documents at <a href="http://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>for Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.</small></p> <p><small>The collection of information is required by 37 CFR 1.197 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</small></p> <p><small>If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.</small></p>			

\*1 English language abstract only

<b>Notice of References Cited</b>	Application/Control No. 10/576,770		Applicant(s)/Patent Under Reexamination GAVELLI ET AL.	
	Examiner Ilya Y. Treyger		Art Unit 3709	Page 1 of 1

#### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,150,707	09-1992	Anderson, Leslie B.	607/114
*	B	US-5,539,930	07-1996	Sesselmann, Gregory J.	2/243.1
*	C	US-5,977,429	11-1999	Phillips et al.	604/370
*	D	US-6,790,798	09-2004	Suzuki et al.	442/374
*	E	US-6,602,235	08-2003	Boulanger et al.	604/385.04
*	F	US-4,826,497	05-1989	Marcus et al.	604/359
*	G	US-6,933,420	08-2005	Corzani, Italo	604/359
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	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

#### FOREIGN PATENT DOCUMENTS

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	N					
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